IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18748 of 2004

Between:

K.Obi Reddy S/o.Kullai Reddy
E.No.404497, D.No.1/33-210 B, Vani Street,
Kadiri, Ananthapur District.

..... PETITIONER

AND

1 The Depot Manager APSRTC, Kadiri Depot
Kadiri, Ananthapur District.
2 The Deputy Chief Traffic Manager,

Ananthapur Region, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the Proceedings No.02/62/(142) 94-KDR dated: 8.5.1995 of the 1st respondent and Proceedings No.St/19 (226)/95-Dy.CTM.A. dated 5.8.1998 of the 2nd respondent as illegal, arbitrary, in violation of Principles of natural justice and in violation of Article 14 and 21 of the Constitution of India and consequently direct the respondents to add two annual increments to the pay of the petitioner.

Counsel for the Petitioner :MR.A.RAMA RAO

Counsel for the Respondents : MR.Y.V.SWAMY

The Court at the stage of admission made the following :

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. A charge memo was issued to him for causing cash and ticket irregularities. The petitioner submitted his explanation. The grievance of the petitioner is that the respondent without considering the circumstances explained by him through his explanation and without conducting any enquiry, passed the impugned order, stopping two annual increments with cumulative effect. The petitioner preferred an appeal before the second respondent challenging the order of the first respondent, and it was rejected on 05-08-1998. The petitioner therefore approached this Court through this Writ Petition to declare the proceedings No.02/62/(142)94-KDR dated 08-05-1995 of the 1st respondent and proceedings No.St/19 (226)/95-Dy.CTM.A. dated 05-08-1998 of the 2nd respondent, as illegal, arbitrary, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to add two annual increments to the pay of the petitioner.

The petitioner contends that the punishment imposed on him is a major penalty and it cannot be imposed without conducting any enquiry. Therefore, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 08-05-1995 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of two increments with cumulative effect imposed on the petitioner into one of stoppage of two increments without cumulative effect.

The writ petition is accordingly disposed of. No order as to costs.

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Dr. G. Yethirajulu, J.

Dt:13th October, 2004.

Rns.
To

1 The Depot Manager APSRTC, Kadiri Depot
Kadiri, Ananthapur District.

2 The Deputy Chief Traffic Manager

Ananthapur Region, Ananthapur.

3. Two CD copies.